

James W. Morando, CA Bar No. 87896
Deepak Gupta, CA Bar No. 226991
FARELLA BRAUN & MARTEL LLP
235 Montgomery Street, 17th Floor
San Francisco, California 94104
Telephone: 415.954.4457
Facsimile: 415.954.4480
Email: jmorando@fbm.com
Email: dgupta@fbm.com

Catherine Ahlin-Halverson, CA Bar No. 209391
Alain M. Baudry, MN Bar No. 186685 (admitted *Pro hac vice*)
Keiko L. Sugisaka, MN Bar No. 266152 (admitted *Pro hac vice*)
Joseph P. Ceronsky, MN Bar No. 391059 (admitted *Pro hac vice*)
MAŞLON EDELMAN BORMAN & BRAND, LLP
3300 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-4140
Telephone: 612-672-8200
Facsimile: 612-672-8344
Email: alain.baudry@maslon.com

ATTORNEYS FOR DEFENDANTS JINGIT LLC, JINGIT HOLDINGS, LLC, JINGIT FINANCIAL SERVICES, LLC, TODD ROOKE, JOE ROGNESS, SAM ASHKAR, PHIL HAZEL, HOLLY OLIVER, SHANNON DAVIS, JUSTIN JAMES, CHRIS OHLSEN, DAN FRAWLEY, DAVE MOOREHOUSE, II, TONY ABENA, CHRIS KARLS, JOHN E. FLEMING, AND MUSIC.ME, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

Indiezone, Inc., a Delaware corporation, and EoBuy, Case No: CV 13-04280 YGR/EDL
Limited an Irish private limited company,

Plaintiffs.

VS.

Todd Rooke, Joe Rogness, Phil Hazel, Sam Ashkar, Holly Oliver and U.S. Bank, collectively the ***RICO Defendants***;

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION PURSUANT
TO CIVIL L.R. 6-1 FOR AN
ENLARGEMENT OF TIME**

Jingit LLC, Jingit Holdings, LLC, Jingit Financial Services LLC., Music.Me, LLC., Tony Abena, John E. Fleming, Dan Frawley, Dave Moorehouse II, Chris

DEFENDANTS' RESPONSE TO PLAINTIFFS'
MOTION FOR ENLARGEMENT OF TIME- Case
No: CV 13-04280 YGR/EDI

1 Ohlsen, Justin James, Shannon Davis, Chris Karls in
2 their capacities as officers, agents and/or employees of
3 Jingit LLC, **Defendants in Negligence, and**
Aiding/Abetting;

4 Wal-Mart, General Electric, Target, DOE(s) and
5 ROE(s) 1 through 10, **Defendants in Negligence**
Secondary-Vicarious Infringement,

6 Defendants.

7 In response to Plaintiffs' Motion Pursuant to Civil L.R. 6-1 For An Enlargement Of Time to
8 Respond to Defendants' Motion to Compel Arbitration, Motion to Dismiss and Motion to Stay All
9 Remaining Proceedings (ECF 44), Defendants Todd Rooke, Joe Rogness, Jingit, LLC, Jingit
10 Holdings, LLC, Jingit Financial Services, LLC, Sam Ashkar, Phil Hazel, Holly Oliver, Shannon
11 Davis, Justin James, Chris Ohlsen, Dan Frawley, Dave Moorehouse II, Tony Abena, Chris Karls,
12 John E. Fleming, and Music.Me, LLC (collectively "Defendants"), pursuant to Civil L.R. 6-3(b),
13 request this Court allow Defendants until February 26, 2014 to file their Reply.

14 Miguel R. San Jose, associate of Douglas Dollinger, counsel for Plaintiffs, contacted Keiko
15 Sugisaka, counsel for Defendants, on January 23, 2014, and requested an extension of time to
16 respond to Defendants' Motions to Compel Arbitration, Dismiss, and Stay All Remaining
17 Proceedings (ECF 29). (Declaration of Keiko L. Sugisaka ("Sugisaka Decl.") ¶ 3.) Ms. Sugisaka and
18 Mr. San Jose reached an agreement allowing Plaintiffs until February 14, 2014 to file their Response
19 in exchange for allowing Defendants until February 26, 2014 to file their Reply. (*Id.*) In lieu of filing
20 a stipulation stating the parties' agreement, Plaintiffs filed their Unopposed Motion Pursuant to Civil
21 L.R. 6-1 For An Enlargement Of Time.¹ (ECF 44.) Defendants' non-opposition to Plaintiffs' Motion
22 for an Enlargement of Time was conditional on Plaintiffs' agreement that Defendants would have
23 until February 26, 2014 to file their Reply. (Sugisaka Decl. ¶ 5.) While Plaintiffs' *Motion* for an
24 Enlargement of Time asked this Court to allow Defendants until February 26, 2014 to file their
25 Reply, Plaintiffs' Declaration in Support and Proposed Order were silent as to Defendants' Reply

26
27 ¹ The inclusion of Defendants' names and names of their counsel in the heading of Plaintiffs'
Motion was in error. (ECF 44, p. 1.) Defendants did not join in the filing of Plaintiffs' Motion.
(Sugisaka Decl. ¶ 4.)
28

1 deadline. (ECF 44, p. 3.)
2

3 Defendants simply wish to confirm this Court is aware of the parties' agreement and request
4 it allow Defendants until **February 26, 2014** to file their Reply. Like Plaintiffs, Defendants also
5 agree and recognize the March 4, 2014 hearing date may be moved for the convenience of the Court
6 due to the extended briefing schedule.
7

8 Dated: January 28, 2014

MASLON EDELMAN BORMAN & BRAND, LLP

9
10 By: s/Joseph P. Ceronsky
11 Joseph P. Ceronsky, MN Bar No. 391059
(admitted *Pro hac vice*)

12 ATTORNEYS FOR DEFENDANTS JINGIT LLC,
13 JINGIT HOLDINGS, LLC, JINGIT FINANCIAL
14 SERVICES, LLC, MUSIC.ME, LLC, TODD
15 ROOKE, JOE ROGNESS, SAM ASHKAR, PHIL
16 HAZEL, HOLLY OLIVER, SHANNON DAVIS,
JUSTIN JAMES, CHRIS OHLSEN, DAN
FRAWLEY, DAVE MOOREHOUSE II, TONY
ABENA, CHRIS KARLS AND JOHN E.
FLEMING

#1018885